

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

ROBERT BRAND, Individually and On Behalf of All Others Similarly Situated,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	Civil Action No. H-08-00687
	)	
SUPERIOR OFFSHORE INTERNATIONAL INC., LOUIS E. SCHAEFER, JAMES J. MERMISS, PATRICE CHEMIN,, ROGER D. BURKS, R. JOSHUA KOCH, E. DONALD TERRY, LEON CODRON, THOMAS B. COLEMAN, JAMES L. PERSKY, ERIC N. SMITH,	)	JUDGE NANCY F. ATLAS
	)	
Defendants	)	
	)	
BILL KNOWLES, Individually and On Behalf of All Others Similarly Situated,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	Civil Action No. H-08-00722
	)	
SUPERIOR OFFSHORE INTERNATIONAL INC., LOUIS E. SCHAEFER, JAMES J. MERMISS, PATRICE CHEMIN,, ROGER D. BURKS, R. JOSHUA KOCH, E. DONALD TERRY, LEON CODRON, THOMAS B. COLEMAN, JAMES L. PERSKY, ERIC N. SMITH, MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. and J.P. MORGAN SECURITIES, INC.	)	JUDGE NANCY F. ATLAS
	)	
Defendants	)	
	)	

JEROME LAWRENZ, Individually and On Behalf )  
of All Others Similarly Situated, )  
Plaintiffs, )  
V. ) Civil Action No. H-08-00987  
SUPERIOR OFFSHORE INTERNATIONAL )  
INC., MERRILL LYNCH, PIERCE, )  
FENNER & SMITH, INC., J.P. MORGAN ) JUDGE KENNETH M. HOYT  
SECURITIES, INC, LOUIS E. SCHAEFER, )  
JAMES J. MERMIS, PATRICE CHEMIN,, ROGER )  
D. BURKS, R. JOSHUA KOCH, E. DONALD )  
TERRY, LEON CODRON, THOMAS B. )  
COLEMAN, JAMES L. PERSKY, AND ERIC N. )  
SMITH, )  
Defendants )

**AGREED MOTION TO CONSOLIDATE RELATED CASES, DESIGNATE CAPTION  
FOR CONSOLIDATED CASES AND ENTER SCHEDULING ORDER**

The following three securities class actions<sup>1</sup> are substantially similar cases pending against the same Defendants and asserting the same claims in connection with the same securities:

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<sup>1</sup> There are two similar shareholder class action filed in Louisiana federal courts: (1) *Jennifer Ann Bechtel, individually and on behalf of all others similarly situated, v. Superior Offshore International, Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., J.P. Morgan Securities, Inc., Louis E. Schaefer, James J. Mermis, Patrice Chemin, Roger D. Burks, R. Joshua Koch, E. Donald Terry, Leon Codron, Thomas B. Coleman, James L. Persky, Eric N. Smith*; Civil Action No. H-08-00687, in the Eastern District of Louisiana; and (2) *Ellen Brodsky, individually and on behalf of all others similarly situated, v. Superior Offshore International, Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., J.P. Morgan Securities, Inc., Louis E. Schaefer, James J. Mermis, Patrice Chemin, Roger D. Burks, R. Joshua Koch, E. Donald Terry, Leon Codron, Thomas B. Coleman, James L. Persky, Eric N. Smith*; Civil Action No. 00400-RTH-CMH, in the Western District of Louisiana. Defendants are attempting to have these cases moved to this Court as well. If an agreement cannot be reached, then Defendants anticipate filing a motion to transfer venue.

1. *Robert Brand, individually and on behalf of all others similarly situated v. Superior Offshore International, Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., J.P. Morgan Securities, Inc., Louis E. Schaefer, James J. Mermis, Patrice Chemin, Roger D. Burks, R. Joshua Koch, E. Donald Terry, Leon Codron, Thomas B. Coleman, James L. Persky, Eric N. Smith;* Civil Action No. H-08-00687 (Judge Nancy F. Atlas, filed Feb. 29, 2008); and
2. *Bill Knowles, individually and on behalf of all others similarly situated v. Superior Offshore International, Inc., Louis E. Schaefer, James J. Mermis, Patrice Chemin, Roger D. Burks, R. Joshua Koch, E. Donald Terry, Leon Codron, Thomas B. Coleman, James L. Persky, Eric N. Smith, Merrill Lynch, Pierce, Fenner & Smith, Inc., and J.P. Morgan Securities, Inc.;* Civil Action No. H-08-00722 (Judge Nancy F. Atlas, filed March 5, 2008).
3. *Jerome Lawrenz, individually and on behalf of all others similarly situated v. Superior Offshore International, Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., and J.P. Morgan Securities, Inc., Louis E. Schaefer, James J. Mermis, Patrice Chemin, Roger D. Burks, R. Joshua Koch, E. Donald Terry, Leon Codron, Thomas B. Coleman, James L. Persky, Eric N. Smith,; Civil Action No. H-08-00722 (Judge Kenneth M. Hoyt, filed March 31, 2008).*

The Plaintiffs and the Defendants in these cases (“Movants”) move to consolidate the securities class actions, to designate a caption for the consolidated cases, and to enter a scheduling order appropriate to the circumstances of the consolidated cases.

*Brand, Knowles and Lawrenz* are securities class actions governed by the Private Securities Litigation Reform Act of 1995 (“Reform Act”). The Reform Act contemplates the consolidation of all cases filed on behalf of “a class asserting substantially the same claim or claims arising under [the securities acts].” 15 U.S.C. § 78u-4(a)(3)(B)(ii). Under the Reform Act, any motion to appoint a member or members of the class as lead plaintiff(s) must be filed within 60 days after the publication or notice first announcing the filing of the class-action suit. 14 U.S.C. § 78 u-4(a)(3)(A)(i)(II). As notice was given on February 29, 2008, and lead-plaintiff motions must be filed by April 29, 2008. The Reform Act also provides that the class member(s) appointed as lead plaintiff(s) selects counsel for the class, subject to Court approval. 15 U.S.C. § 78u-4(a)(3)(B)(v). Thus, it is appropriate to hold the scheduling conference after class counsel has been approved by the Court so that the approved class counsel can participate at the hearing.

Accordingly, Movants request that:

- 1) All the pending securities class actions be consolidated under the following single caption:

In re Superior Offshore International, Inc. Securities Litigation )  
 )  
 ) Civil Action No. H-08-00687  
 )  
 ) JUDGE NANCY F. ATLAS

- 2) Any subsequently filed cases raising the same or similar issues against all or some of the Defendants be automatically consolidated with these cases;
- 3) The Court vacate all scheduling conferences set in the cases consolidated with the first-filed action;
- 4) A consolidated amended complaint be filed within 60 days after any lead-plaintiff(s) and lead-counsel motion(s) are decided;
- 5) The Defendants, having hereby agreed to waive service of process in all cases, be required to move, answer, or otherwise plead only as to the consolidated amended complaint, with their response(s) thereto being due 45 days after its service upon them;
- 6) If Defendants choose to file a motion to dismiss the consolidated amended complaint, any opposition to that motion shall be due 45 days after the motion's filing;
- 7) Defendants be granted leave to file a reply no later than 30 days thereafter;
- 8) The Court set a new scheduling conference after appointment of lead plaintiff(s) and approval of lead counsel has occurred.

A proposed Order of Consolidation is attached.

Dated: April 8, 2008

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record who have consented to electronic notification. I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to all non-CM/ECF participants.

/s/ Michael J. Biles